

STATE OF MAINE DEPARTMENT OFTRANSPORTATION 16 STATE HOUSE STATION AUGUSTA, MAINE 04333-0016

DAVID A. COLE
COMMISSIONER

September 9, 2003 Subject: Augusta Project No. STP-95-0556(25)E Pin No. 556.25 **Bid Amendment No. 2**

Dear Sir/Ms.:

Please make the following changes to your bid package.

- 1) Please add the attached one page entitled "Special Provision, Section 105, General Scope of Work (Environmental Requirements)" dated 6/10/02.
- 2) Please add the attached four pages entitled "Department of the Army Permit".
- 3) Please add the attached eight pages entitled "State of Maine, Department of Environmental Protection" numbered 1 of 8 to page 8 of 8.
- **4)** Please add the attached plan sheets, two pages, entitled "Route 104 Improvements, Augusta, Stream Relocation" dated July 30, 2003.
- **5**) Please add the attached plan sheet, one page, entitled Maine Dept. of Transportation Augusta Third Bridge Project, sheet 6 of 12.

The Department has received the following questions...

- Q) Are 5 sets of replacement parts required for the ET2000, as noted in the 527.303 spec?
- A) No, only 1 set of replacement parts are required for this project.
- Q) Can the SKT350 be used instead of the ET2000 item?
- **A)** Yes, the SKT350 item is considered an equal product to the ET2000 and thus is considered acceptable for use instead of the ET2000.



- Q) Should a cofferdam pay item be added for the culvert work?
- A) No. Any cofferdam work necessary to complete the culvert extension and grouting shall be considered incidental to the culvert pay items.

Consider these changes before submitting your bid on September 10, 2003.

Sincerely,

Bruce R. Carter

Contracts Engineer

Buce R. Corter

Town:Augusta PIN #:556.25 Date:6/10/02

SPECIAL PROVISION SECTION 105

General Scope of Work (Environmental Requirements)

Instream Work shall <u>not</u> be allowed between the dates of 9/16 and 6/30. (Instream work is allowed from 7/1 to (9/30.)

Stream Stations: 10+226

Special Conditions: Listed on pages 7 & 8 of DEP permit

Instream work consists of activities conducted in the water, which result in unacceptable levels of sedimentation, vibration, pollution.

Activities <u>prohibited</u> below high water mark during the instream work window restriction are as follows:

- Excavating or dredging, either in waterbody or within a cofferdam which is still under construction if sedimentation will occur,
- Driving piles, either sheet piles or H-piles (unless within a cofferdam).
- Pulling or removing piles if sedimentation will occur.
- Placing riprap, fill, concrete or other materials, (unless within a cofferdam).
- Blasting unless measures can be taken to avoid interfering with fish passage or spawning.
- Drilling unless measures can be taken to avoid interfering with fish passage or spawning.

No construction activity, whether temporary or permanent, is allowed that completely blocks a river, stream, or brook without providing downstream flow.

DEPARTMENT OF THE ARMY PERMIT

Permittee_	Maine	Dept.	of	Transporation,	16	State	House	Station,	Augusta,	Maine	04333
Permit No.	2000	001630									
Issuing Off	ice Ne	ew Eng	land	District							

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:
Place fill in conjunction with the construction of a new connector road from I95 to Route 3. The work includes new right-of-way clearing, culverted or
bridge crossings of Fisher and Riggs Brooks, numerous crossings of wetlands
and intermittent and perennial streams, a new interchange at I-95, and a pier
supported bridge crossing of the Kennebec River. Wetland and waterway
impacts on the approaches to the Kennebec River crossing total approximately
7.2 acres and the three piers supporting the bridge will impact approximately
0.075 acres of river bottom.

In accordance with the attached plans "MAINE DEPT. OF TRANSPORTATION, AUGUSTA THIRD BRIDGE PROJECT, AUGUSTA, MAINE, DOT PIN 556.11" in Project Locations undated

In numerous waterways and wetlands between I-95 and Route 3 at Augusta, Maine.

Permit Conditions:

General Conditions:

- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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EDITION OF SEP 82 IS OBSOLETE.

(33 CFR 325 (Appendix A))

- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall ensure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all

Special Conditions Continued on Page 4

Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the comthere are circumstances requiring either a prompt completion of the au decision, the Corps will normally give favorable consideration to a reques	thorized activity or a reevaluation of the public interest
Your signature below, as permittee, indicates that you accept and agree to	comply with the terms and conditions of this permit.
(PERMITTEE)	(DATE)
This permit becomes effective when the Federal official, designated to ac	for the Secretary of the Army, has signed below.
Christie godhun	6/3/12
(DISTRICT ENGINEER) BRIAN E. OSTERNDORF	(DATE)
COLONEL, CORPS OF ENGINEERS	
When the structures or work authorized by this permit are still in existence conditions of this permit will continue to be binding on the new owner(s) and the associated liabilities associated with compliance with its terms and	of the property. To validate the transfer of this permit

(TRANSFEREE)	(DATE)				

Special Conditions Continued from Page 2

contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different unauthorized work in areas of Corps of Engineers jurisdiction. contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.

- 2. Adequate sedimentation and erosion control devices, such as geotextile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize impacts during construction. These devices must be removed upon completion of work and stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland.
- 3. The permittee and his contractors shall conduct a pre-construction meeting with Corps, Maine Dept. of Environmental Protection and other appropriate resource agency staff prior to construction at the project site.
- 4. This permit authorizes impacts to only those areas of wetlands shown on the attached plans. No other filling, clearing or other disturbance in wetlands shall occur.
- 5. There shall be no in-stream work in the Kennebec River from April 1 to June 30 to minimize impacts to essential fish habitat, anadromous fish, and endangered shortnose sturgeon.
- 6. Mitigation shall be performed in accordance with the attached mitigation plan entitled, "AUGUSTA THRID RIVER CROSSING PROJECT, PIN 556.XX, PRELIMINARY WETLAND COMPENSATION PLAN, PIN 556.44" and dated "DECEMBER 2001" and revised by the attached memo dated "February 26, 2002".



STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

DEPARTMENT OF TRANSPORTATION Augusta, Kennebec County AUGUSTA THIRD BRIDGE L-20756-4E-A-N (APPROVAL)

) NATURAL RESOURCES PROTECTION ACT

) WETLAND ALTERATION AND

) WATER QUALITY CERTIFICATION

) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A <u>et seq.</u> and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of DEPARTMENT OF TRANSPORTATION with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

- A. Application: The applicant proposes to construct a new highway and bridge connecting I-95 to Route 3 in Augusta. The project includes the construction of a new I-95 interchange, a new highway on new alignment, and a new bridge crossing over the Kennebec River.
- B. Summary of Proposal: The applicant is proposing to construct a third bridge in Augusta with an associated new, limited access highway approximately three miles long connecting Interstate 95 to Routes 3, 9, and U.S. 202, including a new Interstate 95 Interchange. The new bridge will cross the Kennebec River approximately one-half mile above the site of the former Edwards Dam. The bridge proposal includes two piers that will be located in the flood zone and two piers that will be located in the river channel. The proposed project will be phased as described below:
 - Phase I consists of earthwork and drainage from the Interstate to the Kennebec River:
 - 2. Phase II consists of the construction of the Kennebec River bridge and all earthwork and drainage from the Kennebec River, east:
 - Phase III consists of the construction of the Interstate 95 overpass and the Eight Rod Road construction;
 - 4. Phase IV consists of final paving, curb and guardrail alignment, signals at intersections, and landscaping; and
 - Phase V consists of final construction and monitoring of the compensation area.
- C. Site Description: The applicant has obtained all necessary property rights as authorized under 23 M.R.S.A § 153.

2. WATER QUALITY CONSIDERATIONS:

MDOT requires that its contractors adhere to temporary erosion control measures specified in "Special Provision Section 107: Soil Erosion and Water Pollution Control." Special Provision Section 107 mandates that

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the selected contractor develop a specific erosion and sedimentation control plan and submit it to MDOT's Office of Environmental Services (OES) for review, comment, and approval. The plan must meet the standards and commitments described in Section II of the manual "MDOT Best Management Practices for Erosion and Sediment Control (BMP)," dated September 1997 or latest revision.

Based on past experience, the Department's Division of Watershed Management (DMW) finds that the OES's Water Resource Unit is capable of obtaining an erosion control plan from contractors that meets Department standards for the resource protection. DMW requires no further review and approval of the temporary erosion control plan provided that, prior to construction, the applicant and/or its contractor submits a final plan to the Department for inclusion in the project file and that the Department receives written approval of the plan from MDOT prior to the start of construction.

The Department finds that an employee of the Maine Department of Transportation qualified to assess erosion and sedimentation control measures, must submit a report summary of all work completed, erosion control compliance, and general progress of the project on a monthly basis by the 15th of each month during construction, for inspections completed during the previous month, and must notify the Department within 24 hours upon the discovery of erosional concerns or otherwise, resulting in a discharge of soil into a protected natural resource.

3. <u>WILDLIFE HABITAT CONSIDERATIONS</u>:

The Maine Department of Inland Fisheries & Wildlife (MDIFW) has reviewed the proposed project and finds that the portion of the project that requires work in the Kennebec river is considered work within a Significant Wildlife Habitat because this portion of the river contains two species of freshwater mussels (Yellow Lampmussel and Tidewater Mucket) that are currently listed as endangered species in the State of Maine. The Maine Endangered Species Act provides for the inadvertent incidental take of these species associated with project construction and development provided that an Incidental Take Plan (ITP) is developed and implemented. The applicant and MDIFW have met to discuss and develop an ITP that is reasonable and minimizes the incidental take of these listed species.

The Department of Marine Resources (DMR) has reviewed the project as proposed and finds that the river at the proposed bridge crossing should be considered as a migratory pathway for all anadromous fish species native the State of Maine that now have access to the 17 miles of riverine habitat above the former Edwards Dam. The majority of the anadromous fish species migrate upstream from April 1 through June 30 except Atlantic sturgeon, which would be likely to migrate upstream from mid June through July. To avoid interference with the upstream migration for the majority of the anadromous fish species in the Kennebec River, the Department of Marine Resources recommends that a timing window be established from April 1 through June 30 during which no instream work will be permitted. DMR also recommends that instream work in July be limited to the pier most distant from the main channel

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to facilitate the upstream migration of Atlantic strugeon and late migrating species.

The Atlantic Salmon Commission (ASC) has commented on the proposed project and finds that the river at the proposed bridge crossing is not rearing or spawning habitat for Atlantic salmon, but is used as a migratory corridor. ASC finds that the major concern would be to prevent extensive sedimentation downstream toward Bond Brook which contains a documented sensitive salmon population. To minimize interference with migration and to limit sedimentation downstream for Bond Brook, ASC recommends that an instream work window of July1 through September 15 should be established.

The Department finds that the project as proposed will not cause any significant adverse impact to habitats provided that the applicant submits an ITP to the Department and Maine Department of Inland Fish & Wildlife (MDIFW), for review and approval, prior to beginning construction of Phase II of the proposed project. The Department also finds that an instream work window of July 1 through September 15 be established, and that work during July be limited to the pier most distant from the main channel.

4. <u>WETLAND CONSIDERATIONS:</u>

A. SUMMARY OF IMPACTS: The proposed project will result in approximately 476,911 square feet (10.95-acres) of wetland impact due to fill placement for construction of the new interchange, connector roads, and bridge. At least six wetland complexes have been identified and are described in detail in Exhibit 11 of the application and shown on Table 1 below. The proposed connector road will cross 14 small streams that will require culverting, impacting approximately 20,202 square feet of stream area.

Wetland ID	PFO*	PSS*	PEM*	Stream*	River*	Pond*	Shoreline**	W.S.S.*	Туре	Total Impacts	Primary Functions
95-1			14,726							14,726	ST
95-2	22,974	48,079	58,495	7,192		595	1,356	10,323	PEM	165,311	ST/WL
								16,297	PSS		
Α		4,345	74,764							79,091	ST
В	22,863	10,882	3,617	4,275			1,060	11,755	PSS	62,504	WL/GW/FF/SS
								8,052	PFO		
E	2,570			2,322	3,145		1,352	16,769	PFO	24,806	WL/GW/SS
G	15,365	9,626	80,555	6,413			1,595	7,966	PSS	130,484	WL/FF/SS/GW/ST
								8,964	PEM		
TOTALS	63,772	72,932	232,139	20,202	3,145	595	5,363	80,126		476,922	
Measuren	nents in	square	feet								
** Measurement in linear			feet								

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The Department of Transportation conducted a delineation and a function and value assessment. Wetlands were field surveyed and delineated from May through October 1998. Delineations were done using the U.S. Army Corps of Engineers' 1987 3-parameter routine determination approach and the 1995 and 1998 Field Indicators for Identifying Hydric Soils in New England. Wetland functions and values were identified using the U.S. Army Corps of Engineers' Highway Methodology. This assessment indicated that there are six major wetland complexes identified on the project site. One complex (E) includes direct impacts to the Kennebec River and four others (95-2, B, E, & G) that impact tributary streams to the Kennebec. Wetland complex 95-2 also includes impacts to a small pond. Approximately 2,000 square feet of seasonally flooded depressions, including some areas of possible vernal pool habitat area, and approximately 80,126 square feet of freshwater wetlands of special significance will also be filled. Primary functions identified are described in Exhibit 11 of the NRPA permit application and shown on Table 1 above. The applicant has proposed mitigation to replace the functions & values of the wetlands impacted by the proposed project.

- B. AVOIDANCE & MINIMIZATION: The applicant has submitted an alternative analysis for the project as proposed that demonstrates that the proposed project constitutes the least practicable damaging alternative. The applicant has modified the design and construction methods for the proposed roads, bridge, and interchange to minimize wetland impacts. The Department has reviewed these materials and finds that wetland impacts have been avoided and minimized as much as possible given the site and design construction and stabilization, and proposed wetland compensation plan.
- C. WETLAND COMPENSATION: As compensation for wetland impacts associated with the proposed project, the applicant proposes to enhance wetland and upland pasture along Riggs Brook on the Gamage Property in Augusta, Maine, and to preserve a parcel of land that will join two distinct compartments of MDIFW's Garcelon Wildlife Management Area (WMA). No opportunities exist for on-site mitigation. Multiple off-site mitigation sites were evaluated, as described in Section 2 of Exhibit 14 in the NRPA permit application.

The Riggs Brook enhancement site occupies approximately 24-acres of riparian wetland and upland along Riggs Brook, in the middle of a 100 ± acre cow pasture. The site includes approximately 2,500 feet of Riggs Brook, with approximately 10-acres of adjacent wetland and 14-acres of upland slopes extending 100 to 300 feet on either side of the brook. The proposed wetland enhancement site will be acquired by MDOT and protected from future development or agricultural uses. In addition, enhancement measures will be implemented to achieve the compensation objectives, including fencing to exclude livestock, discontinuation of mowing, repair and stabilization of eroded banks, and planting of trees and shrubs to accelerate the establishment of woody cover in wetlands and upland

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buffers. Specific treatments are described in Section 3.1 of Exhibit 14 in the application and shown on the first nine plans in a set of ten, the first of which is entitled "Maine Department of Transportation Augusta Third River Crossing Project Preliminary Wetland Compensation - Project Location Map," prepared by Duke Engineering & Services, dated December, 2001.

The Spectacle Pond Preservation Site consists of nine contiguous parcels totaling approximately 146-acres, straddling the municipal boundary in northeastern Augusta and southwestern Vassalboro. The northern and southern limits of the site abut properties owned by MDIFW that have been managed as separate compartments of the Garcelon WMA. The site is mostly hardwood forested upland with all or parts of two forested/scrub shrub wetland complexes, several intermittent streams and vernal pools, and approximately 2,250 feet of frontage on Spectacle Pond. Acquisition and transfer of this site to MDIFW will fulfill a long-term management objective to connect these distinct compartments and will contribute to the objective of securing a substantial portion of the Spectacle Pond shoreline. Details of the preservation site are described in Section 3.2 of Exhibit 14 in the application and shown as plan 10 entitled "Maine Department of Transportation Augusta Third River Crossing Project Preliminary Wetland Compensation - Spectacle Pond Preservation Site Plan," prepared by Duke Engineering & Services, dated December, 2001.

- D. COMPENSATION MAINTENANCE: The applicant intends to maintain the Riggs Brook mitigation area. The applicant will maintain the livestock fencing during and after the completion of the proposed five year post-construction monitoring period or until such time that the applicant transfers the mitigation parcel to a qualified third party for long-term stewardship. If such a time arises the applicant must notify the Department of the transfer candidate. Prior to the completion of 50% of the proposed project, the applicant must initiate the compensation project and notify the Department. The Department finds that the applicant must file a finalized Declaration of Covenants and Restrictions for the compensation area, referencing the final construction plans, with the Kennebec County Registry of Deeds, within six months after the initiation of the compensation project. Evidence of filing must be submitted to the Bureau of Land and Water Quality, Division of Land Resource Regulation, within 30 days of the filing date. Evidence must consist of copies of the restrictions stamped with Book and Page numbers or accompanied by a letter from the Registrar.
- E. COMPENSATION MONITORING: A qualified wetland scientist will be onsite to monitor construction of the wetland compensation area. Monitoring during construction will verify that excavation, grading, planting, and erosion control measures are implemented according to plans and specifications. The applicant proposes to monitor the compensation project annually over a 5-year period starting the following spring from when planted. A qualified, professional wetland scientist must conduct all field assessments. Reports detailing the findings must be submitted to the Department

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prior to December 15 of each of the reporting years. The reports must include labeled photographs representing current site conditions, and a narrative detailing existing site conditions during the monitoring event. The narrative must include, but not be limited to, vegetative coverage and success rates, vegetative community diversity, spatial extent, and wetland functions, and any measure required to remediate adverse site conditions as described in Section 14 of the NRPA application.

5. OTHER CONSIDERATIONS:

The Department has not identified any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment provided that the project is completed as proposed and that the applicant meets all of the requirements in Finding 2
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment provided that the project is completed as proposed and that the applicant meets all of the requirements in Findings 2 & 3
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that the project is completed as proposed and that the applicant meets all of the requirements in Findings 3 & 4.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that the project is completed as proposed and that the applicant meets all of the requirements in Findings 3 & 4.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

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THEREFORE, the Department APPROVES the above noted application of Department of Transportation to construct a new highway with I-95 interchange and a new bridge, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

- 1. Standard Conditions of Approval, a copy attached.
- 2. The applicant shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
- 3. The applicant and/or its contractor shall submit a final erosion and sedimentation control plan to the Department for inclusion in the project file and the applicant shall receive written approval of the plan from the Department prior to the start of construction.
- 4. The applicant shall submit an ITP to the Department and Maine Department of Inland Fish & Wildlife (MDIFW), for review and approval, prior to beginning construction of Phase II of the proposed project.
- 5. All instream work shall occur between July 1 and September 15.
- 6. Instream work in July shall be limited to the pier most distant from the main channel to facilitate the upstream migration of Atlantic strugeon and late migrating species.
- 7. The applicant shall submit a monthly summary report of all work completed and erosion control compliance by the 15th of each month during construction. This report shall include inspections completed during the previous month and shall notify the Department within 24 hours of discovery of any discharge of soil into a protected natural resource. This report shall be completed by an employee of the Maine Department of Transportation qualified to assess erosion and sedimentation control measures.
- 8. The applicant shall maintain the livestock fencing on the mitigation site during and after the completion of the proposed five year postconstruction monitoring period or until such time that the applicant transfers the mitigation parcel to a qualified third party for long-term stewardship. If such a time arises, the applicant shall notify the Department of the transfer candidate.
- 9. Prior to the completion of 50% of the proposed project, the applicant shall initiate the compensation project and notify the Department. The applicant shall file a finalized Declaration of Covenants and Restrictions for the compensation area, referencing the final construction plans, with the Kennebec County Registry of Deeds, within six months after the initiation of the compensation project. Evidence of filing shall be submitted to the Bureau of Land and Water Quality, Division of Land Resource Regulation, within 30 days of the filing date. Evidence shall consist of copies of the restrictions stamped with Book and Page numbers or accompanied by a letter from the Registrar.

10. The applicant shall monitor the compensation project annually over a 5-year period starting the following spring from when planted. A qualified, professional wetland scientist shall conduct all field assessments. Reports detailing the findings shall be submitted to the Department prior to December 15 of each of the reporting years (year 1, 2, and 3, with a final assessment report after the 5th year following installation). The reports shall include labeled photographs representing current site conditions, and a narrative detailing existing site conditions during the monitoring event. The narrative shall include, but not be limited to, vegetative coverage and success rates, vegetative community diversity, spatial extent, and wetland functions, and any measure required to remediate adverse site conditions as described in Section 14 of the NRPA application.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 13 DAY OF MUCh 20

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bv:

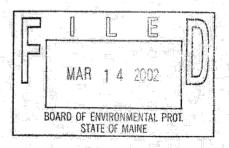
MARTHA G

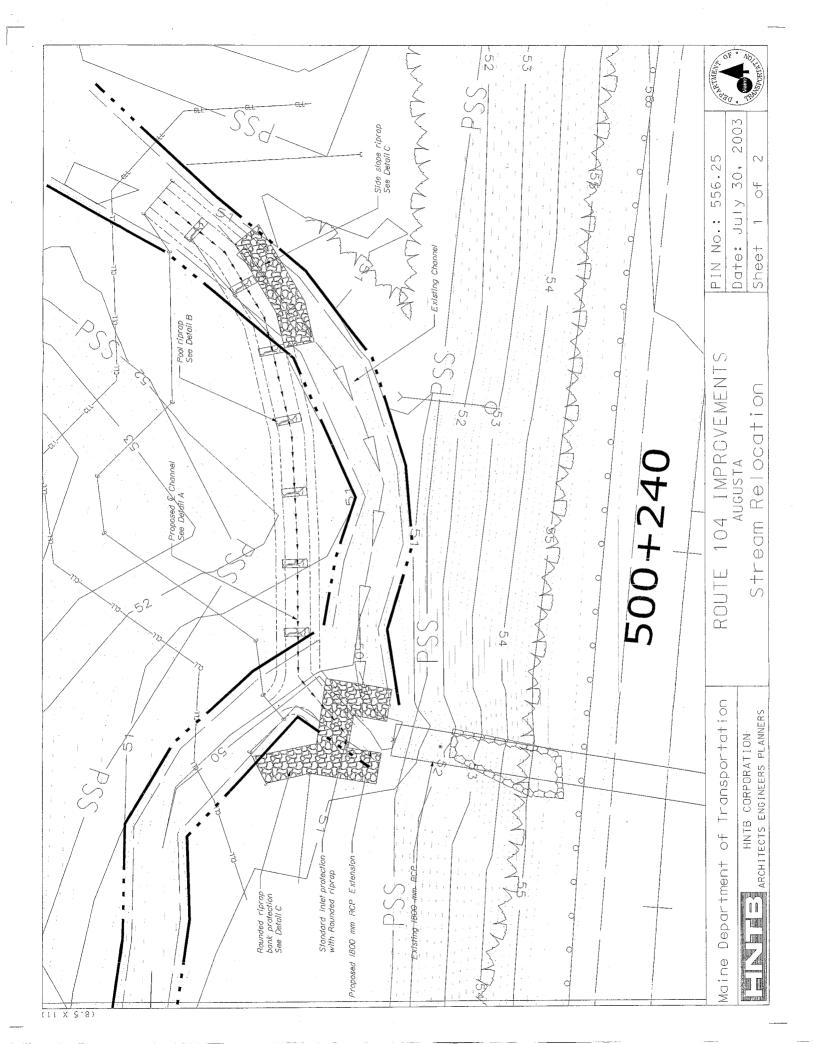
J COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES ...

Date of initial receipt of application 12/07/2001 Date of application acceptance 12/18/2001

Date filed with Board of Environmental Protection LK/L20756AN





04

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HNTB CORPORATION ARCHITECTS ENGINEERS M

Maine Department

of Transportation

Side Slope Riprap Section Detail C 1 200

<u>Detail B</u> Pool Riprap Elevation

Hand iaid rounded riprap GD mm embedment Place across entire channel bottom width 0St 000 b

> Typical Stream Section A libta(1

